



## **BENEFITS OF US-PERU TRADE PROMOTION AGREEMENT**

The U.S.-Peru Trade Promotion Agreement creates new opportunities for the entertainment sector in terms of US jobs and exports. The agreement also establishes important precedents for future FTAs to be negotiated with other countries as well as within the WTO.

### **TRIPS PLUS PROVISIONS FOR IP PROTECTIONS IN THE DIGITAL ECONOMY**

- Peru agreed to implement the WIPO Internet Treaties, which provide world-class IP standards on treatment of digital copyrighted material, upon entry into force of the Free Trade Agreement.
- Establishes strong anti-circumvention provisions to prohibit tampering with technologies that are designed to prevent piracy and unauthorized distribution over the Internet.
- Ensures that copyright owners have the exclusive right to make their works available online.
- Provides an expeditious process that allows for copyright owners to engage with Internet Service Providers and subscribers to deal with allegedly infringing copyright material on the Internet.
- Protects copyrighted works for extended terms, in line with emerging international trends.

### **STRENGTHENED IP ENFORCEMENT**

- Increases criminal and civil protection against the unlawful decoding of encrypted satellite TV signals.
- Criminalizes end-user piracy, providing strong deterrence against piracy and counterfeiting.
- Requires both Parties to authorize the seizure, forfeiture, and destruction of pirated products and the equipment used to produce them. Also provides for enforcement against goods-in-transit, to deter violators from using ports or free trade zones to traffic in pirated products.
- Includes agreed criminal standards for copyright infringement and stronger remedies and penalties.

### **ZERO TARIFFS ON ENTERTAINMENT PRODUCTS**

- Peru committed to zero tariffs on all movies, music, consumer products, books and magazines exported into the country.
- Peru also committed to zero tariffs on technology products used by service providers and consumers to access the Internet.
- Ground breaking discipline on customs valuation that requires valuation be based on the value of the carrier media for any content-based products rather than on projected royalties or other such calculations. Given that all tariffs in the agreement are eliminated for our products, this discipline will not be required, but will set a precedent for negotiations with other countries in the region as well as in the WTO where valuation problems persist.

### **IMPROVED MARKET ACCESS FOR AUDIOVISUAL SERVICES**

- Comprehensive commitments covering trade in AV products.
- FTA also includes important provisions to ensure market access for US films and television programs over a variety of media including cable, satellite and the Internet.
- Broad commitments to open services markets (with few exceptions) across a range of sectors important to the entertainment sector, including but not limited to computer and related services,

telecommunications services, audiovisual services, advertising, and distribution services, such as wholesaling, retailing and franchising.

- Disciplines that ensure an open and competitive telecommunications market, including disciplines that require cost-based Internet access (through leased circuit services).

#### **FREE TRADE IN DIGITAL DOWNLOADS/E-COMMERCE**

- Important commitment to non-discriminatory treatment of digital products including DVDs and CDs; and agreement not to impose customs duties on such products.

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*The Entertainment Industry Coalition for Free Trade includes the following: AFMA; BMG Music; Directors Guild of America; EMI Recorded Music; Entertainment Software Association; The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada, AFL-CIO, CLC (IATSE); Metro-Goldwyn-Mayer Studios Inc.; Motion Picture Association of America; National Association of Theatre Owners; New Line Cinema; the News Corporation Limited; Paramount Pictures; Producers Guild of America; Recording Industry Association of America; Sony Music Entertainment Inc.; Sony Pictures Entertainment Inc.; Television Association of Programmers (TAP) Latin America; Time Warner Inc.; Twentieth Century Fox Film Corporation; Universal Music Group; Viacom; Universal Studios; the Walt Disney Company; Warner Bros.; Warner Music Group; and The Writers Guild of America, west (WGAw).*